

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Joseph John Tonet

Docket No. 5:03-CR-258-1F

Petition for Action on Supervised Release

COMES NOW Keith W. Lawrence, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Joseph John Tonet, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With the Intent to Distribute 500 Grams or More of Cocaine, in violation of 21 U.S.C. §§ 846 and 841 (a)(1), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on April 13, 2004, to the custody of the Bureau of Prisons for a term of 96 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 48 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
2. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
3. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
4. The defendant shall participate in a program of mental health treatment, as directed by the probation office.

On November 14, 2005, pursuant to a Federal Rule of Criminal Procedure 35 (b) motion, the term of imprisonment was reduced to 72 months. Joseph John Tonet was released from custody on March 7, 2008, at which time the term of supervised release commenced. On August 27, 2010, as a result of the defendant being charged with Driving While Impaired on August 21, 2010, a violation report was submitted to the court. The court agreed to continue supervision until adjudication in state court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On May 15, 2011, Tonet committed the offense of Operate a Motorboat on the Waters of this State While Under the Influence of an Impairing Substance (11CR51011), in Stanley County, North Carolina. Tonet admitted to this probation officer that he operated a motorboat while under the influence. Furthermore, on May 23, 2011, the defendant submitted a urine screen that tested positive for cocaine. Tonet has been referred to substance abuse treatment and we will continue to monitor his drug use through the Surprise Urinalysis Program. As a sanction for this conduct, and in an effort to deter future drug and alcohol use, we are recommending that the conditions of supervised release be modified to include 120 days of home detention. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 120 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The defendant shall pay for electronic monitoring services as directed by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

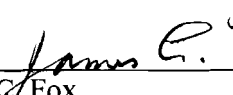
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert K. Britt
Robert K. Britt
Senior U.S. Probation Officer

/s/ Keith W. Lawrence
Keith W. Lawrence
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: June 6, 2011

ORDER OF COURT

Considered and ordered this 7th day of June, 2011, and ordered filed and made a part of the records in the above case.


James C. Fox
Senior U.S. District Judge